

**IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*  
State Engineer**

**Plaintiff,**

**v.**

**RAMON ARAGON, *et al.*,**

**Defendants.**

**69cv07941 JEC-ACE**

**RIO CHAMA STREAM SYSTEM  
Section 3: Rio Nutrias, Rio Cebolla  
Canjilon Creek**

**Subfile No. CHCB-001-0001**

**MOTION TO SET ASIDE ENTRY OF DEFAULT  
AND FOR SUBSTITUTION OF PARTIES**

COMES NOW the plaintiff, State of New Mexico, *ex rel.*, State Engineer, by and through his attorneys, and moves the Court to set aside the clerk's entry of default filed January 25, 2002 (Docket No. 6515) for defendant JOSE I. MAES ESTATE, Subfile No. CHCB-001-0001, and for substitution of parties pursuant to Rule 25(a)(1). As grounds therefor plaintiff states:

1. The Clerk's Certificate of Default (6063) with respect to Defendant Jose I. Maes Estate, Subfile No. CHCB-001-0001, was entered and filed with the Court on January 16, 2002 (Docket No. 6489).

2. The Successor Administrator of the Estate of Jose I. Maes, Nelda J. Archuleta, has contacted the plaintiff and provided plaintiff with copies of recently executed deeds and surveys that distribute the land in Cebolla under Subfile No. CHCB-001-0001 to the various heirs of Jose I. Maes.

3. Land mapped under Subfile No. CHCB-001-0001 has been distributed to the heirs of Jose I. Maes as follows:

Sara's Tract:

SARA MAES BENEVIDES  
1623 Saunders SW, Albuquerque, NM 87105

Margie's Tract:

MARGARITA MAES RYSDYNSKI  
10512 Sea Palm Ave., Las Vegas, NV 89134

Nelda's Tract:

NELDA J. ARCHULETA  
Rt. 1 Box 15, Terrace Farm Rd., Espanola, NM 87532

Gilbert's Tract:

GILBERT L. MAES  
c/o Jose & Jesus Maes, Box 179, Lumberton, NM 87547

Lydia's Tract:

LYDIA MAES GARCIA  
3952 W. 8620 So., West Jordan, UT 84088

Sonny's Tract:

PETRA J. MAES  
LORIE MARTINEZ  
JOSHUA MAES  
AZELIA MAES  
EMANUEL MAES  
CELESTE MAES  
2363 Botulph Road, Santa Fe, NM 87505

3. Good cause exists to set aside the default entered for defendant Jose I. Maes Estate in order to individually adjudicate the water rights associated with the estate to the above named heirs.

4. Certain heirs of the Estate of Jose I. Maes received land in the division of the estate that was not mapped or included in the land described in Subfile No. CHCB-001-0001, and there is no reason to join these heirs to this proceeding. These heirs are Loretta Maes Carlton (Loretta's Tract), Nancy Maes Atencio (Nancy's Tract), and Joseph Maes (Joseph's Tract). The land received

by these heirs is outside the boundaries of the land described in Subfile No. CHCB-001-0001 as shown by the Rio Cebolla Hydrographic Survey (August 11, 2000), and the deeds and survey documents provided to plaintiff by Nelda J. Archuleta, the Successor Administrator of the Estate of Jose I. Maes.

WHEREFORE, the plaintiff State of New Mexico requests the Court to set aside the entry of default for defendant JOSE I MAES ESTATE, filed January 16, 2002 (Docket No. 6489), and to substitute as party defendants for Jose I. Maes Estate the following persons: SARA MAES BENEVIDES, MARGARITA MAES RYSDYNSKI, NELDA J. ARCHULETA, GILBERT L. MAES, LYDIA MAES GARCIA, PETRA J. MAES, LORIE MARTINEZ, JOSHUA MAES, AZELIA MAES, EMANUEL MAES, and CELESTE MAES.

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 827-6150

**CERTIFICATE OF SERVICE**

I certify that the foregoing Motion to Set Aside Entry of Default and for Substitution of Parties mailed to the following persons on February 15th, 2002.

/s/ Ed Newville  
Edward G. Newville

Special Master Vickie L. Gabin

USDC-DCNM  
P.O. Box 2384  
Santa Fe, NM 87504-2384

Darcy S. Bushnell, Esq.  
Adjudication Staff Attorney  
USDC-DCNM  
333 Lomas Blvd. NW  
Albuquerque, NM 87102-2272

Karla McCall, Data Manager.  
1315 Sagebrush Dr. SW  
Las Lunas, NM 87031

Bradley S. Bridgewater, Esq.  
David W. Gehlert, Esq.  
USDOJ-ENRD  
999 18th St., Suite 945  
Denver, CO 80202

John W. Utton, Esq.  
P.O. Box 271  
Albuquerque, NM 87103-0271

Fred J. Waltz, Esq.  
P.O. Box 6390  
Taos, NM 87571

Wilfred Gutierrez, Chair  
NM Acequia Commission  
P.O. Box 190  
Velarde, NM 87582

Paula Garcia  
NM Acequia Association  
P.O. 1229  
Santa Cruz, NM 87567

Sara Maes Benevides  
1623 Saunders SW  
Albuquerque, NM 87105

Margarita Maes Rysdyski

10512 Sea Palm Ave.  
Las Vegas, NV 89134

Nelda J. Archuleta  
Rt. 1 Box 15, Terrace Farm Rd.  
Española, NM 87532

Gilbert L. Maes  
c/o Jose & Jesus Maes  
Box 179  
Lumberton, NM 87547

Lydia Maes Garcia  
3952 W. 8620 So.  
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Petra J. Maes  
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Azelia Maes  
Emanuel Maes  
Celeste Maes  
2363 Botolph Road  
Santa Fe, NM 87505